

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

John W. Ferron, :
 :
 Plaintiff, : Case No. 2:06-cv-322
 :
 v. : Judge Frost
 :
 VC E-Commerce Solutions Inc., *et al.*, : Magistrate Judge Abel
 :
 Defendants. :

Order

Plaintiff John W. Ferron brings this action alleging that Defendants violated the Ohio Consumer Sales Practices Act, O.R.C §1345.02(A) by sending him a large number of emails that do not comply with the act's provisions. This matter is before the Magistrate Judge on his own motion to reconsider the Order filed January 26, 2007 granting Plaintiff's November 13, 2006 motion to strike the affidavit of Steve Richter attached to Defendant OptInRealBig.com's memorandum contra Plaintiff's motion for partial summary judgment (doc. 45). Given that the motion for summary judgment is pending before Judge Frost and that Mr. Richter filed a subsequent affidavit regarding the affidavit signed by Trudy DeBell, the January 26, 2007 Order is WITHDRAWN. Judge Frost will consider the motion to strike in his decision on the motion for summary judgment.

s/Mark R. Abel
United States Magistrate Judge

